

United States District Court

SOUTHERN

DISTRICT OF

NEW YORK

The Annuity, Pension, Welfare and Apprenticeship
Skill Improvement & Safety Funds of the
International Union of Operating Engineers Local
137, 137A, 137B, 137C & 137R et al.

SUMMONS IN A CIVIL CASE

V.

CASE NUMBER:

Palermo Too Construction Inc.

08 CIV. 1892

JUDGE KARAS

TO: (Name and address of defendant)

Palermo Too Construction Inc.
3 Deer Park Drive
Amawalk, New York 10501

YOU ARE HEREBY SUMMONED and required to serve upon PLAINTIFF'S ATTORNEY (name and address)

BRADY McGUIRE & STEINBERG, P.C.
603 WARBURTON AVENUE
HASTINGS-ON-HUDSON, NEW YORK 10706

an answer to the complaint which is herewith served upon you, within Twenty (20) days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.

CLERK

CLERK

FEB 26 2008

DATE

(BY) DEPUTY CLERK

United States District Court
Southern District of New York

The Annuity, Pension, Welfare and Apprenticeship Skill Improvement
& Safety Funds of the International Union of Operating
Engineers Local 137, 137A, 137B, 137C and 137R et al.,

Plaintiff(s)

AFFIDAVIT OF SERVICE

Case No. 08 Civ. 1892

-against-

Palermo Too Construction Inc.

Defendant(s)

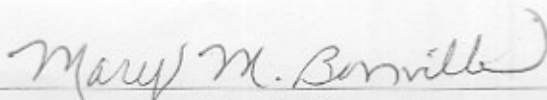
State of New York)

ss:

County of Albany)

Mary M. Bonville, being duly sworn, deposes and says:

Deponent is over the age of eighteen and is a resident of New York State and is not a party to this action. That on April 7, 2008 at approximately 3:50 PM deponent served the following specific papers pursuant to Section 306 of the Business Corporation Law, Summons in a Civil Action and Complaint, that the party served was Palermo-Too Construction, Inc., a domestic business corporation, the defendant in this action, by personally serving two copies of the aforesaid papers at the office of the NYS Secretary of State located at 99 Washington Avenue, 6th Floor, in the City of Albany, New York by delivering to and leaving papers with Chad Matice, a white male with black hair, being approximately 21-35 years of age; height of 5'9" - 6'0", weight of 180-200 lbs., being an authorized person in the Corporation Division of the Department of State and empowered to receive such service. That at the time of making such service, deponent paid the fee prescribed by Law in the amount of \$40.00.


Mary M. Bonville

Sworn to before me this 7th day of April, 2008


Ruth A. Dennehey

Notary Public — State of New York

Qualified in Albany County

Registration No. 01DE4729775

Commission Expires: 11-30-2010